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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,881	12/19/2001	Ingrid Elaine Hohlfelder	MID-38 CON	4926
23439	7590	06/18/2004	EXAMINER	
DENTSPLY INTERNATIONAL INC			LAM, ANN Y	
570 WEST COLLEGE AVENUE			ART UNIT	
YORK, PA 17404			PAPER NUMBER	

1641

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,881

Applicant(s)

AA

Examiner

Ann Y. Lam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Spinello, 5,180,371. Spinello discloses a power drive unit (73) electrically connected to a syringe unit, see column 9, lines 51-55, said syringe unit having a releasably connected carpule holder (V); said carpule holder being releasably connected to a dispensing needle (53), and having a rubber-like plunger seal (V-3), a drive shaft (60) provided with a harpoon (63) having a swept-back, barbed point and knife edges along its length and is insertable into said carpule plunger seal (V-3); an electric drive motor, see column 9, lines 51-55; and at least one secondary injection control mechanism to control the longitudinal displacement direction or rate of said drive shaft, and hence, injection rate, see column 9, line 51- column 10, line 10. Also disclosed is a stripper ring (57) positioned within said syringe unit and proximate to said carpule plunger seal when said carpule holder is in place upon said syringe unit, such that when said carpule plunger seal is moved from the dispensing to the retracted position, see column 10, line 23) said stripper ring physically engages said carpule plunger seal (see Figure 7C, and column 10, lines 38-39), preventing further retracting movement of said carpule plunger

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seal and hence, allowing extraction of said harpoon from said carpule plunger seal; said stripper ring having an inside diameter larger than said harpoon such that said harpoon is receivable therein (see Figure 7C.)

Response to Arguments

Applicant's arguments filed March 25, 2004 have been fully considered but they are not persuasive. Applicant argues that the stripper ring is not comparable in operation to that recited in claims 1 and 6. Examiner reasserts that that element (57) is comparable to the stripper ring recited in claims 1 and 6, since element (57) has all the structural limitations and is capable of performing the intended use claimed by Applicant, as described in the above rejection.

Applicant also argues that Spinello '371 does not teach or suggest a syringe having a power drive unit for selecting the drive rate of the drive motor and at least one secondary injection control mechanism located approximate to said syringe unit. Applicant argues that Spinello discloses only one control mechanism. In response, Examiner points to Spinello, column 9, line 51 – column 10, line 10, as mentioned in the above rejection. Spinello discloses a motor (73), column 9, line 52, i.e., the power drive unit claimed by Applicant. Spinello also discloses a modulator valve (77) "to maintain a desired constant hydraulic pressure" (column 9, lines 58-60.) This is considered to be the secondary injection control mechanism claimed by Applicant. Alternatively, Spinello also discloses a low flow rate circuit (80) comprising a throttling valve (82) "to determine the desired ultimate flow rate from the syringe needle" (column 9, lines 64-66.) This is

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alternatively considered to be the secondary injection control mechanism. Spinello also discloses a high flow circuit (81) comprising a throttling valve (84), (column 9, lines 67-68.) This is also alternatively considered to be the secondary injection control mechanism.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

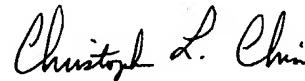
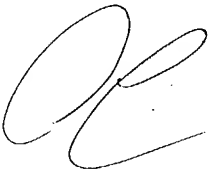
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is 571-272-0822. The examiner can normally be reached on M-Sat 11-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.L.



CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP 1800/1641